

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NETWORK DATA ROOMS, LLC,

X

Civil Case No.: 22-CV-2299-LGS

Plaintiff,

-v-

SAULREALISM LLC and RYAN SAUL, in her individual
and professional capacities,

Defendants.

X

**DECLARATION OF DAVID DELORGE IN FURTHER SUPPORT OF PLAINTIFF
NETWORK DATA ROOMS, LLC’S MOTION FOR A PRELIMINARY INJUNCTION**

DAVID DELORGE, pursuant to 28 U.S.C § 1746, hereby declares as follows:

1. I submit this declaration in further support of plaintiff Network Data Rooms, LLC (“NDR”) application for a preliminary injunction and to address the numerous falsehoods contained in the Declaration of Ryan Saul¹ (“Saul”) dated April 11, 2022.

2. At the outset, I would like to address some false statements made by Saul that are injurious to my character. I have never stated at any time, in a serious or joking manner, that “I should take [NDR’s] code and run” as alleged by Saul in his Declaration. Additionally, throughout the entire time I have worked as a Chief Cloud Architect and Cloud Security Engineer consultant for NDR, I have been paid in full and in a timely manner by NDR, have had a good working relationship with NDR’s management, and have at all times been committed to the successful development of the DealTable VDR Platform.

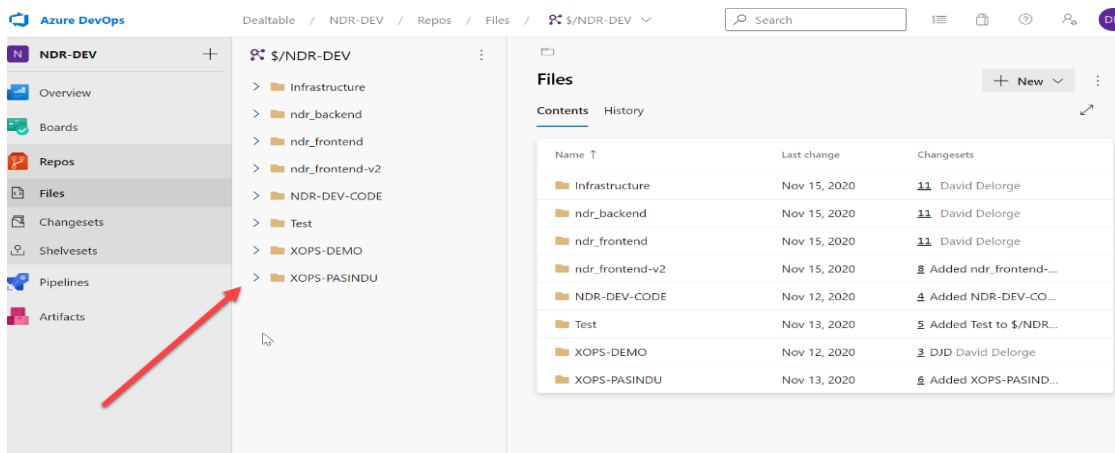
¹ Throughout the entire time I worked with Ryan Saul, based on conversations had with Ryan, I believed Ryan to be a woman and at no time did Ryan state anything to the contrary. I have been advised by NDR’s counsel that Ryan’s attorney has indicated that Ryan is male. Although, I do not see that Ryan addresses this issue in his/her declaration, I will respect Ryan’s wishes and refer to him as male.

3. Additionally, several of the documents attached to my Reply Declaration, I previously provided to NDR's attorney in response to a request made by Saul's attorney for documentation showing that Saul stole NDR's code. I have been advised by NDR's attorney that this information was turned over to Saul's counsel on April 6, 2022, prior to Saul filing a Declaration replete with statements that, as shown below, are refuted by the information provided to Saul's attorney.

4. Saul's allegations that at the time he began working as a consultant with NDR the existing codebase was "very bare" and much of the earlier code had been "deleted" or was "missing code" is simply not true.

5. By the time Saul joined the project the entire design for the User Experience and User Interface for the DealTable VDR platform was created and there existed a solid codebase that could be built upon in order to implement the design that NDR had already developed.

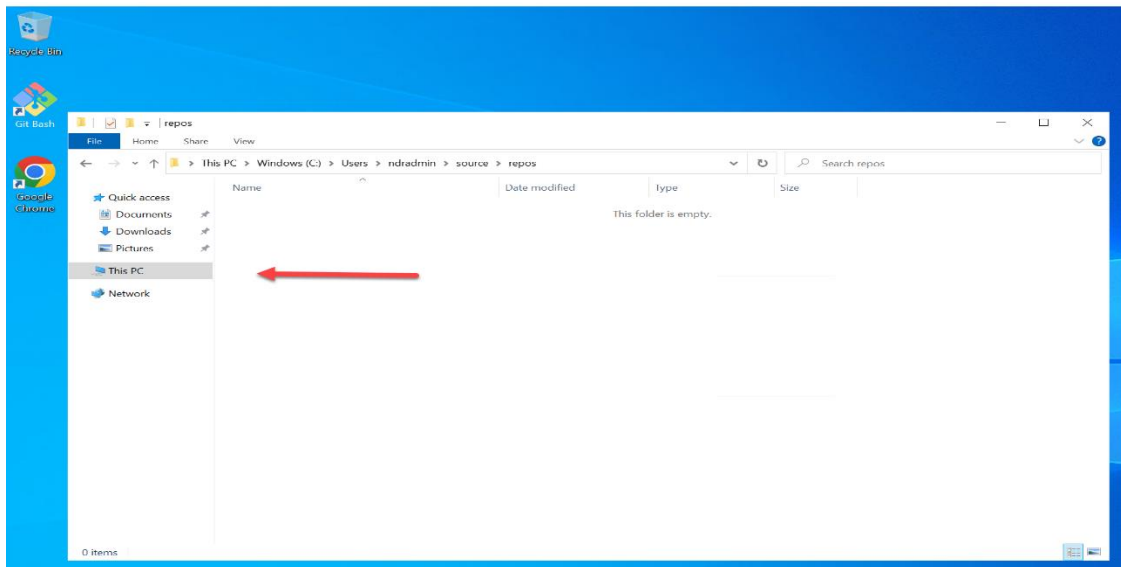
6. In addition, while a lot of the code that had been created by developers who worked on the development project before Saul joined the project required changes, this codebase was never deleted by NDR or stolen by the prior developers. The below screenshot that I took of the login screen for NDR's account maintained on Microsoft Azure DevOps shows the files containing the codebase from the prior developer (Xops), which you can see was last changed in November 2020. These files are still saved on NDR's secure Microsoft Azure repository ("NDR Repository") and have never been deleted. A larger copy of the screenshot is annexed hereto as Exhibit "A."



7. Similarly false is Saul's claim that NDR has been engaged in prior or threatened litigation with prior developers because of alleged "missing code." As no prior code, other than the code created by Saul between September 26, 2021 and January 18, 2022 is missing.

8. Saul admits in his declaration the various security measures implemented by NDR to secure its trade secrets including but not limited to its codebase and source code. While it is true that Saul used the Azure Active Directory User Account to access the Dealtable VDR Platform codebase and source code, it is demonstrably false that Saul "only used the Azure Virtual Desktop to access the codebase and source code for the DealTable VDR Platform."

9. Firstly, the Virtual Desktop that was assigned to Saul does not contain any of the source code, compiled or decompiled that he worked on between September 26, 2021 and January 18, 2022. I reviewed the back-up of the folders stored on the Virtual Desktop that was assigned to Saul and took the following screenshot of the file list. As you can see, the folder list is empty. A larger copy of the screenshot is annexed hereto as Exhibit "B."



If Saul had worked only through the Virtual Desktop, as alleged in his Declaration, the files would still be on the Virtual Desktop. None are there.

10. Additionally, I reviewed the Deployment Process Logs for the DealTable application, to see when and from where code was being deployed to the DealTable VDR Platform in order to implement the changes being made to the platform by the new source code that Saul was hired to write. Saul acknowledges in his Declaration that the code for the many features I identified in Paragraph 19 of my Declaration dated March 22, 2022 was written by Saul after September 26, 2021. In his Declaration, Saul alleges that the code was deposited into NDR's Repository, which in turn would mean that the code would have been deployed from NDR's Microsoft Azure account if that were true.

11. To verify this, I reviewed the Deployment Process Logs for deployed code from **before** September 26, 2021 until the last deployment made on January 13, 2022. The last deployment made by Saul on January 13, 2022, was not made from NDR's Microsoft Azure account. This is evident from the difference in the deployment log information that is created when code is deployed from NDR's Microsoft Azure account as opposed to when code is deployed from outside Microsoft Azure.

12. When code is deployed from NDR's Microsoft Azure Account, the deployment log information is saved as an xml file and shows, the author, the date of deployment, author email, and even allows a message to be included describing the purpose of the deployment. A screenshot of code deployed by Saul from NDR's Microsoft Azure account is below. A larger copy of the screenshot is annexed hereto as Exhibit "C."

```

1 <?xml version="1.0" encoding="utf-8"?>
2 <deployment>
3   <id>5ab3ecf7599c1932ca2d86beff4cb1eb8f6ffa10</id>
4   <author>Ryan Saul</author>
5   <deployer>VSTS</deployer>
6   <authorEmail>rsaul@dealtable.com</authorEmail>
7   <message>update for views
8 </message>
9   <progress></progress>
10  <status>Success</status>
11  <statusText></statusText>
12  <lastSuccessEndTime>2021-03-01T02:27:52.004466Z</lastSuccessEndTime>
13  <receivedTime>2021-03-01T02:13:34.6630779Z</receivedTime>
14  <startTime>2021-03-01T02:13:34.9599771Z</startTime>
15  <endTime>2021-03-01T02:27:52.004466Z</endTime>
16  <complete>True</complete>
17  <is_temp>False</is_temp>
18  <is_readonly>False</is_readonly>
19 </deployment>

```

13. The above screenshot shows a deployment made by Saul on March 1, 2021 and includes a message describing the deployment as being made as an “update for views.”

14. By way of comparison, below is a screenshot of a deployment log for code that was not deployed from NDR’s repository. A larger copy of the screenshot is annexed hereto as Exhibit “D.”

```

1 {\"TimeStamp\": \"2022-01-13T20:03:38Z\", \"SiteName\": \"dev-dealtable\", \"RequestId\": \"fa2b61e5-b946-401c-8547-9f71e1a33e6b\", \"Kind\": \"MSDep:

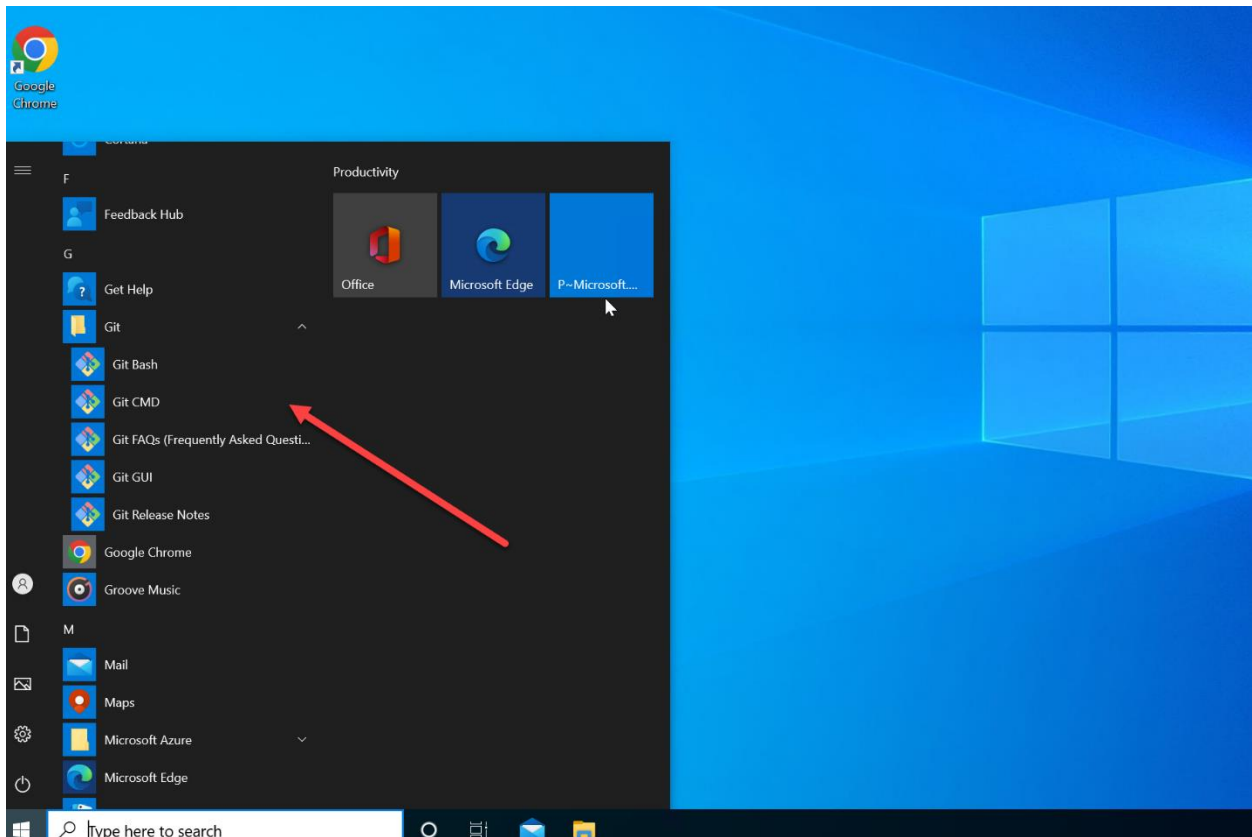
```

15. The above deployment record is different from the records generated from Microsoft Azure deployments and provides minimal information. The record includes “timestamp” information showing that code was deployed on January 13, 2022, the site name to where the code was being deployed “dev-dealtable” and the Request ID, which shows from where the code is being deployed, and the “kind”.

16. Saul was the only developer working on the project on January 13, 2022, when the deployment was made and the only person who was deploying code. The deployment record shows that the last location from where code was deployed is “**fa2b61e5-b946-401c-8547-9f71e1a33e6b**.” I recognize this to be a Github location ID because I have a Github account and repository. Furthermore, I was advised by NDR’s counsel that he spoke with Github’s legal department who confirmed that **fa2b61e5-b946-401c-8547-9f71e1a33e6b** is a Github generated user identification (GUID).

17. Based on the two deployment records shown above, there is no question that Saul was deploying code written between September 26, 2021 and January 18, 2022 from outside NDR’s Repository and from a computer other than his assigned Virtual Desktop.

18. Additionally, in reviewing what programs were installed in Saul’s Virtual Desktop, I found that he had the GIT program installed on his virtual desktop. The GIT program is Github. Below is a screenshot I took of the program installed on his Virtual Desktop. A larger copy of the screenshot is annexed hereto as Exhibit “E.” Clearly, Saul is being untruthful in claiming not to have a Github account or Github repository.



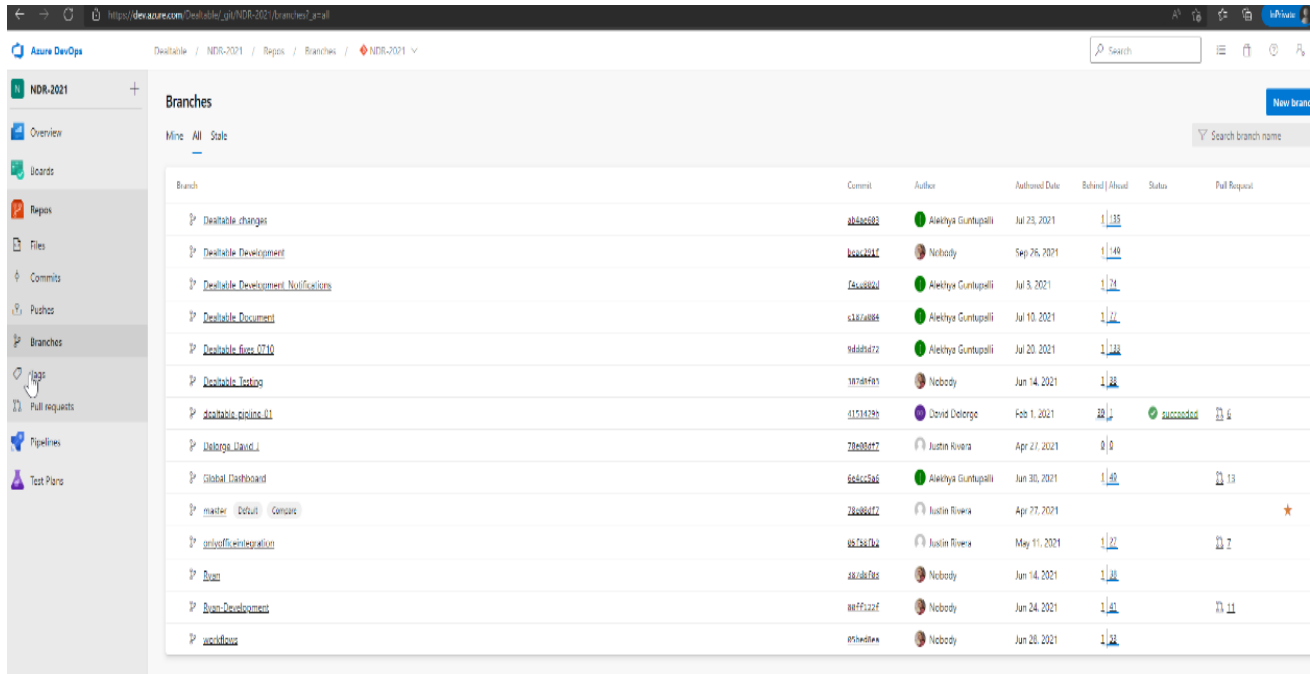
19. While Saul denies having a Github repository he does not deny having a Github account. Moreover, there is no question that some of the code written by Saul was deployed from a Github repository. *See* Ex. “D” hereto.

20. NDR’s Azure Account history also proves that Saul’s allegation that “[a]ll work [he] completed for NDR was checked-in on the NDR secure Azure DevOps Source Code Repository.” The below screenshot taken by me of the code branches saved on NDR’s Azure DevOps Repository shows a list of the different code branches, the date of the last check-in and the author.

21. The entries identifying the Author “Nobody” are entries made by Saul. His name is not listed because his accounts are subject to a security lock/legal hold. In contrast, the accounts of the two other developers that had worked on the project still show their names because they are

not subject to a similar security lock/legal hold. Their accounts were deactivated and can no longer be accessed by them. Nevertheless, Saul's picture still appears next to the Author.

22. As you can see from the screenshot the last commit² date for code written by Saul to NDR's Azure DevOps Repository was on September 26, 2021. A larger copy of the screenshot is annexed hereto as Exhibit "F."



Branch	Commit	Author	Authored Date	Behind / Ahead	Status	Pull Request
Dealtable changes	9b6e082	Alekya Guntupalli	Jul 23, 2021	1/135		
Dealtable Development	6a0c21c	Nobody	Sep 26, 2021	1/148		
Dealtable Development Notifications	f6c886d	Alekya Guntupalli	Jul 8, 2021	1/124		
Dealtable Document	c182a884	Alekya Guntupalli	Jul 10, 2021	1/127		
Dealtable fixes (7/10)	9d6d472	Alekya Guntupalli	Jul 20, 2021	1/138		
Dealtable Testops	107d4f91	Nobody	Jun 14, 2021	1/148		
dealtable pipeline (1)	0151d38b	David Delorge	Feb 1, 2021	28/1	successful	13 6
Delorge, David, J	70e08e7	Justin Rivera	Apr 27, 2021	0/0		
Global Dashboard	6d6c5a6	Alekya Guntupalli	Jun 30, 2021	1/149		13 13
master Default Compare	78e08e7	Justin Rivera	Apr 27, 2021			★
onoffintegration	0278d3a	Justin Rivera	May 11, 2021	1/127		13 2
Ryan	8a3d48a	Nobody	Jun 14, 2021	1/148		
Ryan Development	8eff722f	Nobody	Jun 24, 2021	1/141		13 11
workflows	07bed8a	Nobody	Jun 20, 2021	1/141		

23. Despite having last committed code on September 26, 2021, Saul continued to write new source code between September 26, 2021 and January 18, 2022 for the features of the DealTable VDR Platform and to deploy the source code to the platform so the changes would appear on the platform. None of this code was committed to NDR's Repository because if it had been committed, the commit date would appear on the above screenshot. Therefore, it is simply not true that Saul continued to "deposit code to NDR's repository ...until about January 16, 2022" as he alleges in his Declaration.

² To "commit" code is a web development term that is used interchangeable with "check-in" and "save".

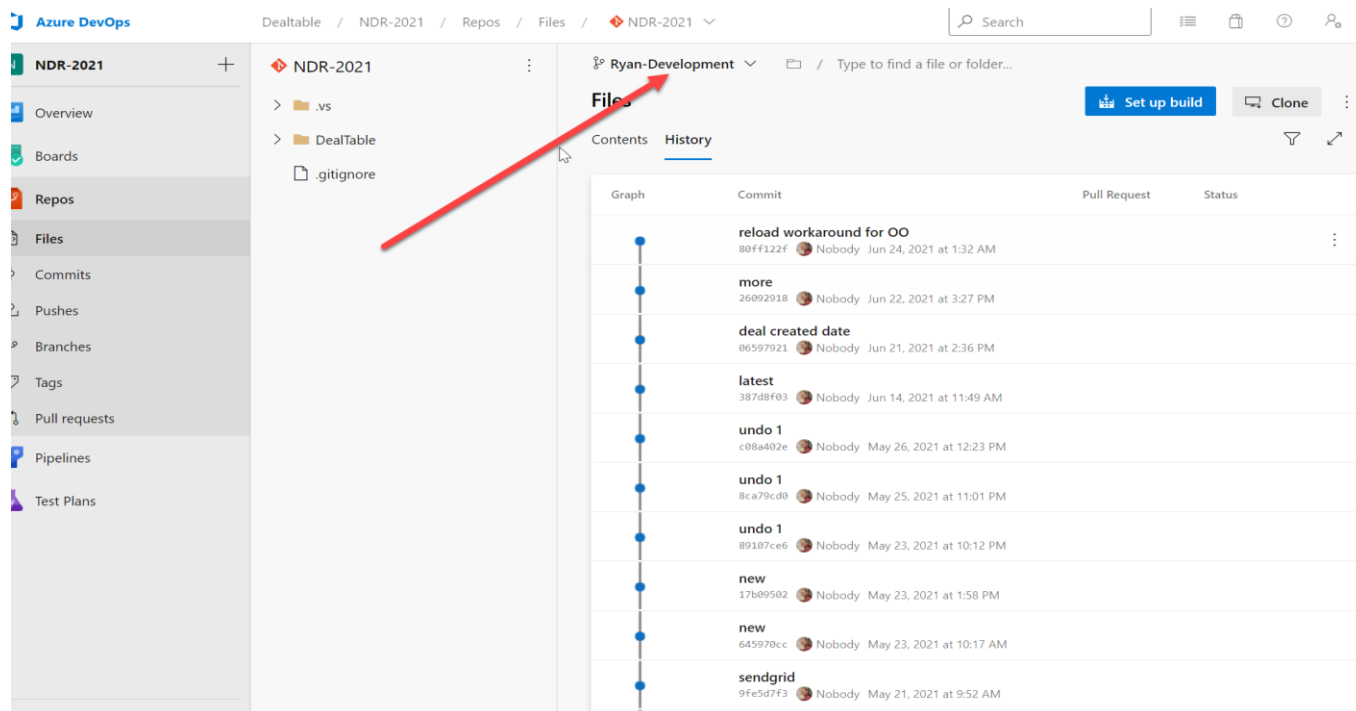
24. It is also not true that Saul was permitted to use any repository other than NDR's Repository to review "existing code" the first two months that he worked on the project or at any time. However, what is telling about Saul's statement is that he admits to having another repository. Moreover, in order to review the codebase on another repository, he would have needed to download the codebase from NDR's repository which was not authorized by NDR.

25. Notably, Saul admits in his declaration that such an act would be a "flagrant violation of the Confidentiality Agreement."

26. It is also telling that while Saul denies downloading NDR's codebase on September 26, 2021, or at any time. Such a statement is contradicted by Saul's admission to having reviewed the codebase on another repository. How did he review the codebase on the "other repository" without downloading it?

27. Saul also purports to claim that the new code he wrote was saved in a new branch he created in October 2021, named "Ryan Development." However, a review of the files saved in the "Ryan Development" Branch show that last commit date for the code files saved in this branch as June 24, 2021. No code written after June 24, 2021, let alone in October 2021, when Saul created the branch, is committed to the branch. The only way Saul could continue writing source code that build on the existing code, was to have access to the existing codebase. As she was clearly not writing and saving the source code to the Virtual Desktop or on the NDR Repository, she was working with NDR's source code and codebase, outside the NDR network, which was not authorized by NDR.

28. In fact, I took the below screenshot of the login screen for NDR's account showing the files in the Ryan Development branch and it shows that the files in the branch were last "committed" on June 24, 2021. A larger copy of the screenshot is annexed hereto as Exhibit "G."



29. Likewise, I am not aware of the “side project” that Saul refers to throughout his Declaration nor do I believe that Thomas Concannon was working on a “side project” behind Chris’s back.

30. The only additional project that was discussed, at Chris Concannon’s suggestion, was the addition of a virtual road show feature to the DealTable VDR Platform. This additional feature was discussed but no work was performed as first we needed to complete the main platform. While Saul claims that he created a specific branch for this “side project” in October 2021 and deposited the work performed for the “side project” into NDR’s secure repository, there are no such files saved in the repository and the last time any work was committed to the Ryan Development branch was June 24, 2021. *See* Ex. “G.”

31. In addition to communicating through Microsoft Teams, the “final list” for the project was circulated by email. As is common with any software development project, the list often changes as the project progresses and deficiencies are identified.

32. Saul, throughout his Declaration, appears to complain that NDR required additional changes to be made to the DealTable VDR Platform and that the project was “never done.” However, Saul was paid for the work he was asked to perform and could have resigned from the project at any time.

33. At the time Saul was retained for the project, it was made clear to him that NDR’s goal was to create a VDR Platform that was superior to those on the market. Therefore, he should not have been surprised that NDR had high standards for the work and wanted to ensure that the final product was as close to perfect as possible.

34. Additionally, the NDR management team was always present and actively involved in moving the project to completion. In fact, daily meetings were held Monday through Friday at 10:30 am and 6:00 p.m. Not a single week went by that NDR’s management team was out of touch with Saul.

35. As for Saul’s blanket denial about trying to sabotage the DealTable project and deleting files, it can be shown through various activity log records from January 18, 2022 that Saul not only deleted files but desperately tried to break in to NDR’s account between the first time he was terminated and after he was terminated for the final time at 3:43 p.m. ET (1:43 p.m. GMT (Mountain Standard Time)).

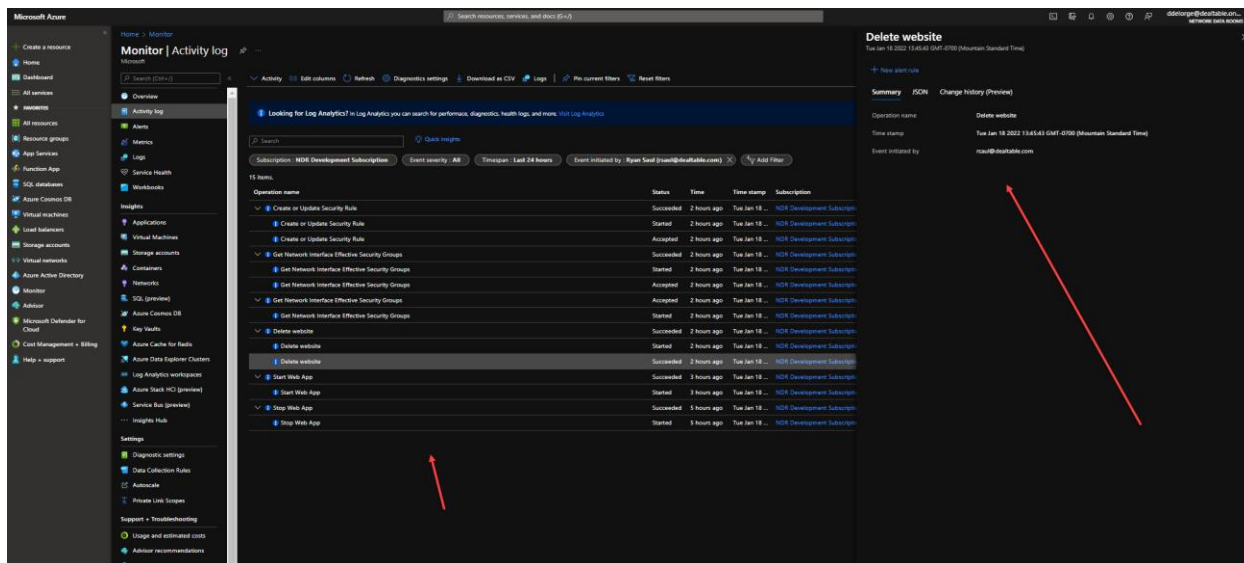
36. For instance, the below screenshot of the User Activity Location Log starting from the bottom up at 1:03:01 p.m. GMT and ending at 1:47:28 p.m. GMT, shows that Saul was accessing NDR’s Microsoft Azure Account from outside NDR’s system and not his Virtual Desktop. The log shows that he was first trying to access the account from a computer with an IP address in Chicago, Illinois with an IP address of 162.72.161.103 between 1:03:01 p.m. until 1:24:25 p.m. GMT Saul then tried accessing the account from a computer with an IP address in

De Soto, Missouri, having the IP address 174.209.233.44 between 1:26:27 p.m. and 1:47:28 p.m. GMT. Neither of these IP addresses are associated with the Virtual Desktop assigned by NDR.

1/18/2022, 1:47:28 PM	210a68cf-557d-489e-99ce-a...	David Delorge	OfficeHome	Success	98.43.40.142	Castle Rock, Colorado, US	Not Applied	Single-factor authentication
1/18/2022, 1:45:14 PM	2bd24480-1505-4fe8-ba31-4...	Ryan Saul	Azure Portal	Success	174.209.233.44	De Soto, Missouri, US	Success	Multi-factor authentication
1/18/2022, 1:44:25 PM	c2984b4d-680d-4ba1-8133-c...	Ryan Saul	Microsoft Teams Web Client	Success	174.209.233.44	De Soto, Missouri, US	Success	Multi-factor authentication
1/18/2022, 1:38:27 PM	34dc527e-9da-49ed-95e7-b...	Ryan Saul	Microsoft Teams Web Client	Success	174.209.233.44	De Soto, Missouri, US	Success	Multi-factor authentication
1/18/2022, 1:26:28 PM	8b495e16-02f5-4c0b-a914-c...	Ryan Saul	Microsoft Teams Web Client	Success	174.209.233.44	De Soto, Missouri, US	Success	Multi-factor authentication
1/18/2022, 1:26:28 PM	d4c283a3-afa3-4ad6-b85e-7...	Ryan Saul	Microsoft Teams Web Client	Success	174.209.233.44	De Soto, Missouri, US	Success	Multi-factor authentication
1/18/2022, 1:26:27 PM	d4c283a3-afa3-4ad6-b85e-7...	Ryan Saul	Microsoft Teams Web Client	Success	174.209.233.44	De Soto, Missouri, US	Success	Multi-factor authentication
1/18/2022, 1:24:56 PM	0576013e-750f-4281-88bc-7...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:24:55 PM	2bd24480-1505-4fe8-ba31-4...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:24:54 PM	2bd24480-1505-4fe8-ba31-4...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:23:01 PM	6fd85ce3-1fd2-4efb-80b4-1...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:22:01 PM	dc6cd164-54ff-4e43-a944-2...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:20:45 PM	3237bc11-8e92-4bfb-bff3-a...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:19:11 PM	2bd24480-1505-4fe8-ba31-4...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:19:10 PM	83fcb529-2890-439e-9898-d...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:16:59 PM	6864fe62-80ee-4955-901f-3...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:16:50 PM	93493a08-ac44-44ed-9081-e...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:06:48 PM	43c5d83a-0141-480b-8b4e-f...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:06:17 PM	210a68cf-557d-489e-99ce-a...	Ryan Saul	Office365 Shell WCSS-Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:06:15 PM	0a947e20-7d11-463f-8cf8-e6...	Ryan Saul	Office365 Shell WCSS-Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:06:14 PM	3551dbd6-8982-45b4-9fab-...	Ryan Saul	Office365 Shell WCSS-Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:05:57 PM	6e32d6ae-a822-4e81-b27e-...	Ryan Saul	Office 365 Exchange Online	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:05:38 PM	b70725b2-c8cb-4630-ab5e-...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:05:38 PM	65b7facc-6910-4886-b955-c...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:05:02 PM	210a68cf-557d-489e-99ce-a...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:05:01 PM	946447b5-8545-4641-83b7-...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:03:02 PM	e3b67225-10b6-49d2-b42a-...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication
1/18/2022, 1:03:01 PM	c8fd13ef-e076-4447-a956-4c...	Ryan Saul	Microsoft Teams Web Client	Success	162.72.161.103	Chicago, Illinois, US	Success	Multi-factor authentication

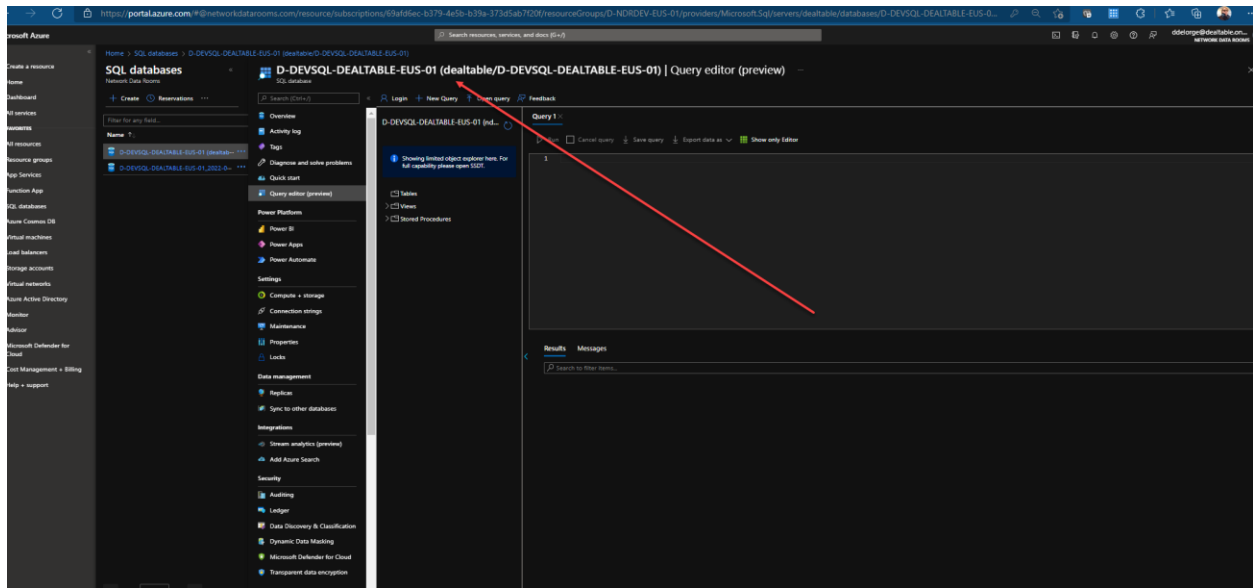
A large copy of the screenshot is annexed hereto as Exhibit “H.”

37. From these IP addresses, he launched a batch file script he had written to delete the DealTable website. This can be seen from a screenshot of NDR’s User Activity Log for Saul’s activities on January 18, 2022. The screenshot shows the activities that occurred approximately 2 hours before 3:45:43 GMT, which would have been around 1:45 p.m. GMT (about 2 minutes after he was fired the second time). A larger copy of the screenshot is annexed hereto as Exhibit “I.”



38. The Activity Log shows that Saul changed the security settings, which is why he was able to access NDR’s Azure account from the two IP addresses outside NDR’s network as shown in Exhibit “H.” Moreover, this screenshot shows that he initiated an event with the operation name “Delete website.” *See* Ex. “I.” The activity log shows that the event “Delete website” was initiated by the account used with the email address rsaul@dealtable.com. That was Saul’s email address related to the project.

39. By deleting the Dealtale website, Saul also deleted the DealTable website marketing site, application, database and database connection, website certificates, and the current permissions and user data. As evidence of the deletion of the DealTable database, on January 18, 2022, I took a screenshot of the DealTable web application database. As you can see from the screenshot the database is empty because all the files had been deleted as a result of the “Delete website” operation launched by Saul. A larger copy of the screenshot is annexed as Exhibit “J.”



40. I was able to recover the majority of the deleted files by restoring the back-up files from the Microsoft Azure cloud storage.

41. Additionally, NDR can show that Saul attempted to regain access to NDR's Azure account after his termination. Specifically, I took a screenshot of NDR's Microsoft Azure Account Sign-in Logs. A larger copy of the screenshot is annexed hereto as Exhibit "K." As you can see from the log, Saul attempt to login to the portal at 2:00:33 P.M. (GMT), which was after his termination and after his account had been deactivated. The login attempt failed. There is no legitimate reason for Saul to try to access the DealTable portal after his termination.

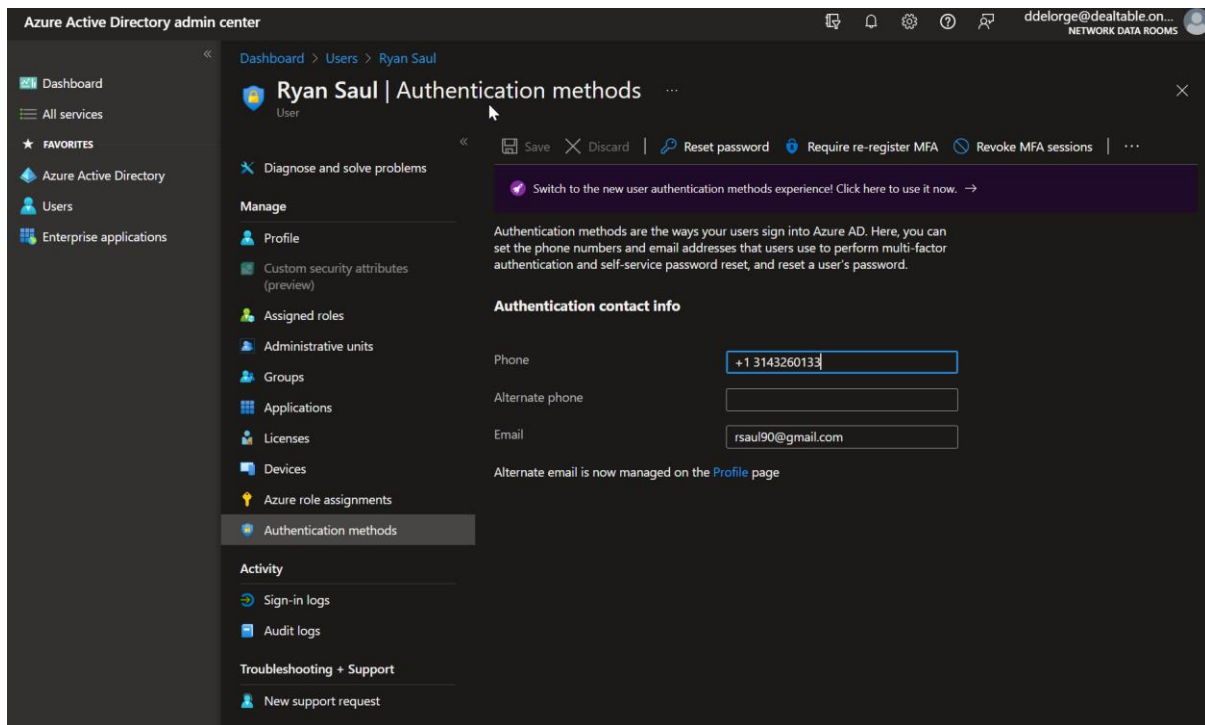
Users Sign-in logs				Activity Details: Sign-ins	
				Basic info	Location
Want to switch back to the default sign-ins experience? Click here to leave the preview. →				Date	1/18/2022, 2:00:38 PM
				Request ID	93493a08-ac44-44ed-9081-e5f81d6600
				Correlation ID	263016ba-d890-4a72-89f5-2c09b453a1ed
				Authentication requirement	Multi-factor authentication
				Status	Failure
				Continuous access evaluation	No
				Sign-in error code	50057
				Failure reason	The user account is disabled.
				Additional details	The user object in Active Directory backing this account has been disabled. An admin can re-enable this account through PowerShell: https://docs.microsoft.com/powershell/module/addsadministration/enable-adaccount?view=win10-ps
				Follow these steps:	
				Troubleshoot event	1. Launch the Sign-in Diagnostic. 2. Review the diagnosis and act on suggested fixes.
				User	Ryan Saul
				Username	rsaul@dealtale.com
				User ID	Sdtb3961-8481-46cc-8994-878da5a9a44
				Sign-in identifier	
				User type	Member
				Cross-tenant access type	None
				Application	Azure Portal
				Application ID	c4b4083-3b40-40c1-b47d-974e53c2d5fc
				Resource	Windows Azure Service Management API
				Resource ID	7974846-ba00-4d67-ba43-dac18b63013
				Resource tenant ID	8b011c3b-979d-47f6-9f1c-3d852ab64d4f
				Home tenant ID	8b011c3b-979d-47f6-9f1c-3d852ab64d4f
				Home tenant name	
				Client app	Browser
				Service principal ID	
				Service principal name	

42. It is further noted that Saul admits in ¶97 of his Declaration to, at some point, deleting code and moving code from server to server. Saul claims such acts were done at NDR's request, which is entirely untrue. NDR has never, and would never, ask for any code to be deleted. In fact, as shown in Ex. "A" NDR still has the code saved from its former developed XOps. What's more, NDR's repository is set to retain code for seven years. Moreover, NDR only as **one server** and has never requested Saul to move code to another server.

43. Also false are Saul's claims that NDR did not follow standard operating procedures regarding administrative privileges in that more than one person had administrative privileges in an attempt to shift the blame to NDR for Saul's misconduct.

44. In this case, the individuals with administrative privileges were myself, the Chief Cloud Architect and Cloud Security Engineer, the owners of NDR, and Saul, who was the project developer. The fact that Saul abused his administrator privileges and the trust placed on him by NDR has nothing to do with more than one person having administrator privileges.

45. Additionally, it is completely untrue that one person can login as someone else or that there were any instances when Chris Concannon logged into my account and made changes under my name. As the one responsible for the security of NDR's Azure account and the DealTable VDR Platform, I ensured that everyone with access to NDR's Microsoft Azure account had a Single Sign on password with multi-factor security. Through this process any time someone logs in to the account, Microsoft Azure verifies that the person logging in is the authorized user by verifying the identity of the person through a private password and a unique code sent to the mobile phone number listed on the person's account. I have taken a screenshot of how this process works, as shown below. A larger copy of the screenshot is annexed hereto as Exhibit 'L.'



46. Therefore, in order for someone to login as someone else, the person logging in would need the other person's password and to be in possession of the other person's cellphone in order to receive the MSA code that would need to be entered as part of the login process. Neither I nor any of NDR's members knew Saul's password or had access to his cellphone.

47. Pursuant to NDR's established security protocols, an Azure Multi-Factor Authentication process was deployed and no one but Saul had access to his login information. Saul was provided access to the codebase for the DealTable VDR Platform solely for the purpose of carrying out his duties as Lead Developer and was directed to check in all code work he performed into NDR's secure Azure DevOps Source Code Repository.

48. As shown in NDR's moving papers and herein, the original source code written by Saul between September 26, 2021 and January 18, 2022 was never saved by Saul on NDR's secure Azure DevOps Source Code Repository nor created on Saul's assigned virtual machine.

49. The only way Saul could have continued to write new code for the DealTable VDR platform that was compatible and built on the existing code, would have been for his to download the existing codebase and save it on whatever personal computer he was using to write the source code between September 26, 2021 and January 18, 2022.

50. Saul's actions, including the download of the existing codebase were made without NDR's authorization and in violation of the security procedures implemented by NDR.

51. Neither I, nor NDR's members were aware of Saul's actions, nor did we consent to them.

52. Accordingly, NDR's motion for a preliminary injunction should be granted.

52. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: April 18, 2022



DAVID DELORGE